

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
Plaintiff, ) 4:10CR3123  
v. )  
WILLIE CURRY, ) MEMORANDUM AND ORDER  
Defendant. )

The defendant has moved to withdraw his pending motion to suppress without prejudice to re-filing if plea negotiations fail. The defendant explains the parties need additional time to negotiate a plea, and if a plea agreement is reached, the pending motion to suppress will be rendered moot. The court interprets the motion to withdraw as a motion to continue the suppression hearing. The government has advised the court that it does not oppose continuing the hearing.

Accordingly,

IT IS ORDERED:

- 1) The defendant's motion to withdraw his Motion to Quash Arrest and Suppress Evidence, (filing no. 26), interpreted as a motion to continue the hearing on defendant's motion to suppress, is granted.
- 2) The Motion to Quash Arrest and Suppress Evidence, (filing no. 20), shall remain pending, but the suppression hearing is continued, and will be held before the undersigned magistrate judge on April 4, 2011 at 9:00 a.m.
- 3) The Court finds that the ends of justice served by continuing defendant's motion hearing outweigh the best interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and the hearing on defendant's motion to suppress shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7).

DATED this 4th day of March, 2011.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge